



General Assembly

Amendment

August Special Session, 2008

LCO No. **6941**

SB0110206941SD0

Offered by:
SEN. HARTLEY, 15th Dist.

To: Senate Bill No. **1102**

File No.

Cal. No.

"AN ACT CONCERNING HOME HEATING RELIEF."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 16-50k of the 2008 supplement to
4 the general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective from passage*):

6 (a) Except as provided in subsection (b) of section 16-50z, no person
7 shall exercise any right of eminent domain in contemplation of,
8 commence the preparation of the site for, commence the construction
9 or supplying of a facility, or commence any modification of a facility,
10 that may, as determined by the council, have a substantial adverse
11 environmental effect in the state without having first obtained a
12 certificate of environmental compatibility and public need, hereinafter
13 referred to as a "certificate", issued with respect to such facility or
14 modification by the council. Certificates shall not be required for (1)
15 fuel cells built within the state with a generating capacity of two

16 hundred fifty kilowatts or less, or (2) fuel cells built out of state with a
17 generating capacity of ten kilowatts or less. Any facility with respect to
18 which a certificate is required shall thereafter be built, maintained and
19 operated in conformity with such certificate and any terms, limitations
20 or conditions contained therein. Notwithstanding the provisions of this
21 chapter or title 16a, the council shall, in the exercise of its jurisdiction
22 over the siting of generating facilities and in consultation with the local
23 boards and commissions of the municipality where such facilities
24 would be located, approve by declaratory ruling (A) the construction
25 of a facility solely for the purpose of generating electricity, other than
26 an electric generating facility that uses nuclear materials or coal as fuel,
27 at a site where an electric generating facility operated prior to July 1,
28 2004, (B) the construction or location of any fuel cell, unless the council
29 finds a substantial adverse environmental effect, or of any customer-
30 side distributed resources project or facility or grid-side distributed
31 resources project or facility with a capacity of not more than sixty-five
32 megawatts, as long as such project meets air and water quality
33 standards of the Department of Environmental Protection, and (C) the
34 siting of temporary generation solicited by the Department of Public
35 Utility Control pursuant to section 16-19ss of the 2008 supplement to
36 the general statutes."